

**REMARKS**

Claims 1-10 and 13-26 are pending in this application, of which claims 1, 3-10 and 13-16 have been amended. Claims 11-12 have been canceled and claims 17-26 are newly-added.

The Examiner has objected to claim 4 for an informality which has been corrected in this response.

Claims 3 and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Accordingly, claims 1, 3-7, 10 and 13-16 have been amended to correct the noted instances of indefiniteness, while claims 11-12 have been canceled and claims 17-26 newly-added.

Thus, the 35 U.S.C. § 112, second paragraph, rejection should be withdrawn.

Claims 10, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,735,778 to Maruyama et al. (hereafter, "**Maruyama et al.**").

Applicants respectfully traverse this rejection.

**Maruyama et al.** discloses a microtiter plate made of a light-transmitting antistatic resin and defining at least one well. The bottom wall of the well is centrally equipped with a flat portion having a diameter of at least 1 mm and is preferably connected continuously to the corresponding peripheral wall by way of a rising part. The minimum radius of curvature of the inner wall of said well, said inner wall including said rising part, is preferably at least 0.5 mm.

Thus, the 35 U.S.C. § 102(b) rejection should be withdrawn.

Claims 12, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over

**Maruyama et al.**

Applicants respectfully traverse this rejection.

The Examiner has admitted that **Maruyama et al.** does not disclose the claimed ranges for the top angle of the case, but has urged that such would have been obvious as a matter of routine experimentation.

Applicants respectfully disagree. FIGS. 1 and 3 of **Maruyama et al.** fail to show any cone shape or truncated cone shape, and FIG. 2 shows an angle for a cone shape of no more than a few degrees, which is much lower than any of the ranges claimed in the instant application. Thus, **Maruyama et al.** fails to recognize that such a claimed range for the angle  $\beta$  is necessary in order to provide a convex or flat meniscus of the sample, regardless of the sample volume and surface tension of the solution, as disclosed on page 4, lines 5-7 of the specification of the instant application.

Accordingly, claims 11-12 have been canceled and their limitations have been added to claim 10, which separates one of the two claimed ranges of claim 11 into separate proposed dependent claim 22, attached hereto.

Thus, the 35 U.S.C. § 103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-10 and 13-26, as amended, are in condition for allowance, which action, at an early date, is requested.

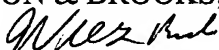
U.S. Patent Application Serial No. 10/527,085  
Response to Office Action dated February 5, 2007

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP



William L. Brooks  
Attorney for Applicant  
Reg. No. 34,129

WLB/ak  
Atty. Docket No. 050134  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE